

MINUTES OF THE REGULAR MEETING OF THE WEST JORDAN PLANNING AND ZONING COMMISSION HELD JANUARY 18, 2022, IN THE WEST JORDAN COUNCIL CHAMBERS

PRESENT: Jay Thomas, Kent Shelton, Trish Hatch, Corbin England, Ammon Allen, and George Winn. Matt Quinney was excused.

STAFF: Scott Langford, Larry Gardner, Duncan Murray, Mark Forsythe, and Julie Davis

OTHERS: Pamela Bloom (remotely), Mayor Burton

The briefing meeting was called to order by Trish Hatch. Duncan Murray gave training on Open and Electronic Meetings.

The regular meeting was called to order at 6:00 p.m.

1. Oath of Office for New and Returning Commissioners

Mayor Burton introduced Jay Thomas and George Winn. City Recorder Tangee Sloan administered the Oath of Office.

2. Election of Chair and Vice Chair for 2022

MOTION: Trish Hatch nominated Corbin England as Chair, but he declined the nomination.

MOTION: Ammon Allen nominated Jay Thomas as Chair. The nomination was seconded by Corbin England and passed 6-0 in favor. Matt Quinney was absent.

MOTION: Jay Thomas nominated Trish Hatch as Vice Chair. The nomination was seconded by Kent Shelton and passed 6-0 in favor. Matt Quinney was absent.

3. Appointment of Two Commissioners to the Design Review Committee for 2022

Following a discussion, George Winn and Matt Quinney were unanimously appointed to serve on the Design Review Committee for 2022.

4. Appointment of One Commissioner to serve on the CDBG/HOME Committee for 2022

Trish Hatch volunteered to serve on the CDBG/HOME Committee and was approved.

5. Approve Minutes from December 21, 2021

MOTION: Ammon Allen moved to approve the minutes from December 21, 2021. The motion was seconded by Corbin England and passed 6-0 in favor. Matt Quinney was absent.

6. Premier Diagnostics; 1553 West 9000 South; Temporary Use Permit for Drive-Through Covid-19 Testing; P-C Zone; Jack Larsen (applicant) [#26144; parcel 27-03-401-052]

Mark Forsythe explained that the existing operation will be moving to the northwest corner of the Walker Edison property in order to meet the zoning code that only allows a temporary use to be at one site for a maximum of 150 days per year. The operations consist of technicians to take samples and a shed that stores equipment and biological waste. They only operate during business hours. Once they switched to an appointment only process, there was a dramatic change in the traffic demands. However, in case there ever becomes a need, a traffic flow plan has been created that keeps the traffic on the Walker Edison property. Conditions of approval are similar to the original temporary use permit approval in 2020. The legal division suggested adding a condition that the tests are by appointment only in order to keep traffic to a minimum.

Staff recommended that the Planning Commission approve the Temporary Use Permit for Premier Diagnostics, located at 1553 West 9000 South in a P-C zone, with the Conditions of Approval listed below:

1. The business activities shall be consistent with the submitted application, letter of intent and site plan.
2. The Temporary Use Permit is valid from November 28, 2021 through April 26, 2022.
3. Under no circumstances shall traffic queues encroach into a public right-of-way. The public right-of-way includes streets, park strips and sidewalks.
4. Traffic queuing shall be confined to the Walker Edison parking lot to the greatest extent possible. If queuing encroaches onto other parcels, the applicant shall acquire written approval from the owner or manager of said property and update the queuing plan.
5. Testing technicians should be stationed at the end of the drive aisle to allow for the maximum queueing length for vehicles.
6. The site shall be kept free of trash and debris at all times.
7. All medical waste shall be properly contained and disposed of in accordance with all applicable County, State and Federal health requirements.
8. One, 32 square-foot sign is allowed with the Temporary Use Permit, and must be securely attached to temporary poles in a landscaped area. One additional sign is allowed only with approval of a Temporary Sign Permit.
9. Signage must be placed at least 3 feet behind the back of the sidewalk along 9000 South in order to comply with clear vision requirements.
10. The storage shed shall be securely locked between the hours of 5:00 PM and 9:00 AM.
11. The storage structure, looper tubes, trash cans, sign(s) and all associated equipment, shall be completely removed from the site when the Temporary Use Permit expires. The site shall be fully restored to its original condition within 5 days of permit expiration.

There was a discussion regarding the zoning code restrictions of 150 days per year for each location. Because this permit was initiated in 2021, they will be allowed to apply for another temporary use permit for this site for 2022. After that they will have to move if they want to continue. Staff felt that it would be good to keep the COVID testing operations as temporary so that other types of temporary uses don't stay year-round. It also allows for an 'out' or leverage if there are violations or other impacts that the use generates.

MOTION: Corbin England moved, based on the information and findings set forth in the staff report and upon the evidence and explanations received today, to approve the Temporary Use Permit for Premier Diagnostics, located at 1553 West 9000 South in a P-C zone, with the Conditions of Approval 1 through 11 listed in the staff report, adding:

12. Testing will be by appointment only.

The motion was seconded by Kent Shelton and passed 6-0 in favor. Matt Quinney was absent.

7. Review of Balanced Housing Report for 2021

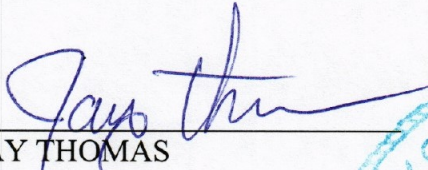
This ordinance was formerly referred to as the Cap and Grade Ordinance. Each January the code requires that a report be generated. The vision for West Jordan is to have 77% single-family to 23% multifamily ratio. Currently the ratio is 73% to 27%. Until those numbers balance out the code does not allow any additional multi-family units except for those that are exempt under the Balanced Housing Ordinance. The ordinance is achieving the goal of the city council and allows for multi-family in areas that make sense.

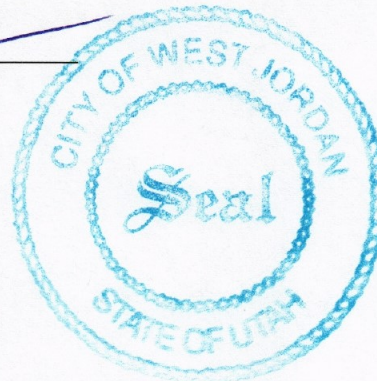
Jay Thomas thanked the Development Department for their efforts since the ordinance was implemented. He felt that it has made a big difference in the city.

Scott Langford said although it can be hard to take the council's vision and put it in ordinance form, he felt that this is going in the right direction to meet that vision.

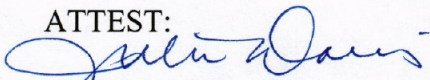
MOTION: Jay Thomas moved to adjourn.

The meeting adjourned at 6:26 p.m.


JAY THOMAS
Chair



ATTEST:


JULIE DAVIS

Executive Assistant

Community Development Department

Approved this 1st day of February, 2022

Effective 5/5/2021

52-4-207 Electronic meetings -- Authorization -- Requirements.

- (1) Except as otherwise provided for a charter school in Section 52-4-209, a public body may convene and conduct an electronic meeting in accordance with this section.
- (2)
 - (a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.
 - (b) The resolution, rule, or ordinance may:
 - (i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;
 - (ii) require a quorum of the public body to:
 - (A) be present at a single anchor location for the meeting; and
 - (B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic connection;
 - (iii) require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;
 - (iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability; or
 - (v) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.
- (3) A public body that convenes or conducts an electronic meeting shall:
 - (a) give public notice of the meeting:
 - (i) in accordance with Section 52-4-202; and
 - (ii) except for an electronic meeting under Subsection (5)(a), post written notice at the anchor location; and
 - (b) in addition to giving public notice required by Subsection (3)(a), provide:
 - (i) notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and
 - (ii) a description of how the members will be connected to the electronic meeting.
- (4)
 - (a) Except as provided in Subsection (5), a public body that convenes and conducts an electronic meeting shall provide space and facilities at an anchor location for members of the public to attend the open portions of the meeting.
 - (b) A public body that convenes and conducts an electronic meeting may provide means by which members of the public who are not physically present at the anchor location may attend the meeting remotely by electronic means.
- (5) Subsection (4)(a) does not apply to an electronic meeting if:
 - (a)
 - (i) the chair of the public body determines that:
 - (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present or who would otherwise be present at the anchor location; or
 - (B) the location where the public body would normally meet has been ordered closed to the public for health or safety reasons; and
 - (ii) the public notice for the meeting includes:
 - (A) a statement describing the chair's determination under Subsection (5)(a)(i);
 - (B) a summary of the facts upon which the chair's determination is based; and
 - (C) information on how a member of the public may attend the meeting remotely by electronic means;or
 - (b)

(i) during the course of the electronic meeting, the chair:

(A) determines that continuing to conduct the electronic meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present at the anchor location; and

(B) announces during the electronic meeting the chair's determination under Subsection (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and

(ii) in convening the electronic meeting, the public body has provided means by which members of the public who are not physically present at the anchor location may attend the electronic meeting remotely by electronic means.

(6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which the chair of the public body makes the determination.

(7) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 242, 2021 General Session

52-4-208 Chance or social meetings.

(1) This chapter does not apply to any chance meeting or a social meeting.

(2) A chance meeting or social meeting may not be used to circumvent the provisions of this chapter.

Enacted by Chapter 14, 2006 General Session

than five days prior to the time fixed for such special meeting.

7. Meetings, Matters Considered: Other business items pertaining to the affairs of the Planning Commission and falling within the authority and jurisdiction of the Planning Commission may be considered and acted upon at any regular meeting of the Planning Commission.
8. Quorum: Four members of the Planning Commission shall constitute a quorum for the transaction of business. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted for the disqualified item. Members abstaining from a vote shall not count toward consideration of a quorum. Except as otherwise specifically provided in these rules, a majority vote of the Planning Commissioners present at a meeting shall be required and shall be sufficient to transact any business before the Planning Commission.
9. Ratification of Actions due to Lack of Quorum: All actions taken in the absence of a quorum will require ratification of a quorum later in the meeting or at the next meeting attended by a quorum.
10. Electronic Participation in Meetings: For any regular meeting or special meeting, pursuant to state law and other adopted rules and procedures, and if technology is available and functioning:
 - a. Members of the Planning Commission, under exigent circumstances, may electronically participate from one or more remote locations, by contacting the Chair or secretary at least two hours before the meeting starts; and
 - b. An applicant or applicant's designated representative, under exigent circumstances, may electronically participate from a remote location, but it is highly recommended and preferred that the applicant or applicant's designated representative contact the secretary or Planning Staff at least twenty-four hours before the meeting starts to electronically participate; and
 - c. Members of the public may electronically participate in a similar manner to in person participation at the anchor location.

C. PROCEDURE - ORDER OF BUSINESS

1. Order of Business: The order of business shall be as follows:
 - a. Pre-meeting
 - b. Roll taken by secretary
 - c. Approval of minutes
 - d. Consideration of agenda items
 - e. Other business at the discretion of the Chair
2. Agenda for Meetings: The Planning Staff shall prepare a written agenda for each meeting as far in advance as possible and shall place such agenda in the hands of each member of the Planning Commission prior to the commencement of the meeting. Such agenda shall be available to the members of the Planning Commission at least five days prior to each meeting.
3. Agenda Deadline: Requests for Planning Commission consideration must be properly presented (i.e., fees paid, complete applications and petitions filed) to the Planning Division a minimum of thirty-six (36) days prior to the date requested for Planning Commission consideration. This does not guarantee all requests will be scheduled with the